

FILED
2024 OCT 9 AM 9:36
CLERK
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL
DIVISION

MILLROCK INVESTMENT FUND 1, LLC,

Plaintiff,

v.

HEALTHCARE SOLUTIONS
MANAGEMENT GROUP, INC.;
HEALTHCARE SOLUTIONS HOLDINGS
INC.; LANDES CAPITAL MANAGEMENT,
LLC; LANDES AND COMPAGNIE TRUST
PRIVE KB; JOSHUA CONSTANTIN;
JUSTIN SMITH; STUART MCMAHEN; and
BLACK LABEL SERVICES, INC.,

Defendants.

DEFENDANT’S MOTION FOR
EXTENSION OF TIME TO FILE RESPONSE
TO PLAINTIFF’S OPPOSITION TO
MOTION FOR SUMMARY JUDGMENT

Case No. 2:23-CV-00157-RJS-DAO

Chief District Judge Robert J. Shelby

Magistrate Judge Daphne A. Oberg

Defendant, Stuart W. McMahan, along with Defendant Josh Constantin and Plaintiff Millrock Investment Fund 1, LLC (“Millrock”) hereby stipulate and move the Court to extend Defendants’ deadline to file a response to Plaintiff Millrock's filed opposition brief on August 8th, 2024, by forty-five (45) days from Oct. 8th, 2024 to Nov. 22nd 2024.

Good cause exists for the requested extension because counsel for Defendants withdrew

representation of Defendants in mid-August. Defendants are seeking to obtain new counsel at this time, and are endeavoring to gather requested discovery but require additional time to accomplish these things and adequately respond to Plaintiff.

Defendants' each live far from the jurisdiction and have few connections to Utah in order to adequately be able to quickly determine the best path forward in terms of representation while also attempting to comply with Plaintiff's discovery requests. Plaintiffs, at the request of Defendants, have agreed to a 45 day extension in light of these complications.

Granting this extension will not prejudice Plaintiff. The case is in its discovery phase, with fact discovery not set to close until January 17, 2025. An extension will ensure that both parties have the opportunity to fully and fairly litigate the issues, allowing Defendant Constantin to properly and adequately respond to Plaintiff's arguments while maintaining the integrity of the process.

This stipulated motion is timely because the October 8th, 2024 deadline to file a response to Plaintiff's Opposition has not expired. A copy of the proposed Order Granting the Stipulated Motion to Extend Deadline to File Response to Plaintiff Millrock's Opposition to Defendants' Motion for Summary Judgment is attached as exhibit A.

DATED October 8, 2024

/s/Stuart W. McMahan

Stuart W. McMahan, Defendant
Self-Represented

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PARR BROWN GEE & LOVELESS

By: /s/ Bentley J. Tolk

Terry E. Welch Bentley J. Tolk Rodger M. Burge

Attorneys for Plaintiff Millrock Investment Fund 1, LLC

CERTIFICATE OF SERVICE

I hereby certify that on October 8th, 2024, I caused to be served a true and correct copy of the foregoing **STIPULATED MOTION TO EXTEND DEADLINE TO FILE RESPONSE TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** via the CM/ECF, which automatically provided notice to all counsel of record.

/s/ Stuart W. McMahan

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Chief District Judge Robert J. Shelby
Magistrate Judge Daphne A. Oberg

For good cause shown, the Court GRANTS Defendants’ Stipulated Motion to Extend Deadline to File Response to Plaintiff’s Opposition to Defendants’ Motion for Summary Judgment. It is hereby ORDERED as follows:

Defendants’ deadline to file a response to Plaintiff’s Opposition to Defendants’ Motion for Summary Judgment is hereby extended forty-five (45) days to Friday, November 22nd, 2024.

DATED _____, 2024.

By: /s/

Magistrate Judge Daphne A. Oberg